

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	AMY J. ST. EVE	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2788	DATE	05/21/2008
CASE TITLE	Eric Ware (#R-32516) v. Terry L. McCann, et al.		

DOCKET ENTRY TEXT:

The Court directs Plaintiff to pay the \$350 filing fee within 30 days. If Plaintiff does not pay the \$350 filing fee within 30 days, the Court will enter judgment dismissing this case in its entirety. *See* N.D. Ill. Local Rule 3.3(e).

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Eric Ware, currently an inmate at Stateville Correctional Center, has lodged this complaint without seeking leave to proceed *in forma pauperis* or paying the \$350 filing fee.

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

At least three of Plaintiff’s previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Ware v. Bank One*, No. 07 C 3964, dismissed by Minute Order of July 25, 2007 (Kocoras, J.); *Ware v. Chicago Police Dept.*, No. 07 C 6645, dismissed by Minute Order of March 5, 2008 (Holderman, J.) (assessing two “strikes” in one case pursuant to *George v. Smith*, 507 F.3d 605, 607-08 (7th Cir. 2007).

Plaintiff’s current complaint does not allege that he is in imminent danger of serious physical injury. Accordingly, 28 U.S.C. §1915(g) prevents him from proceeding without the full prepayment of the \$350 filing fee.

The Court therefore denies Plaintiff’s motion for leave to file *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). If Plaintiff does not pay the \$350 filing fee within 30 days, the Court will enter judgment dismissing this case in its entirety. *See* N.D. Ill. Local Rule 3.3(e).

Courtroom Deputy
Initials:

CLH